

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

DAVID WHALEN, <u>et. al.</u> ,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 07-707
	)	(Judge Lettow)
THE UNITED STATES,	)	
	)	
Defendant.	)	

**JOINT MOTION TO AMEND SCHEDULING ORDER**

Pursuant to the Court's suggestion at the August 18, 2009 status conference, the parties respectfully request that the Court modify its August 6, 2009 scheduling order such that only plaintiffs' dispositive motion is due on December 11, 2009. The Government would be permitted to respond with a cross-motion for summary judgment by January 20, 2010. The parties would then be permitted to respond and reply in accordance with the Court's rules. As the Court suggested, this procedure should be more efficient because it will allow plaintiffs to initially frame the issues by setting forth each category of activities for which plaintiffs claim they were not properly compensated. Defendant may then respond to these specific categories of activities in its cross-motion.

For these reasons, the parties respectfully request that the Court modify its August 6, 2009 scheduling order.

Respectfully submitted,

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Dated: November 6, 2009